

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT JOHN ALTAVILLA,

Plaintiff,

v.

GENERAL HOSPITAL, *et al.*,

Defendants.

NO. 3:17-CV-01592

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MEHALCHICK)

**ORDER**

NOW, this 16<sup>th</sup> day of August, 2018, upon review of the Report and Recommendation (Doc. 22) of Magistrate Judge Karoline Mehalchick for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 22) is **ADOPTED**.
- (2) The Motion to Dismiss (Doc. 10) is **GRANTED**.
- (3) The Complaint is **DISMISSED without prejudice** for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.
- (4) Plaintiff has **thirty (30) days** to amend his complaint against Defendant General Hospital.
- (5) The matter is **RECOMMITTED** to Magistrate Judge Mehalchick.

  
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A. Richard Caputo  
United States District Judge